



FREDERICK COUNTY PLANNING COMMISSION

December 13, 2017

TITLE: **Linganore Town Center Clubhouse & Pool
Combined Preliminary/Final Site Plan**

FILE NUMBER: **S-829-T, AP 17697 APFO 17665 FRO 17666**

REQUEST: **Preliminary/Final Site Plan Approval**
The Applicant is requesting Preliminary/Final Site Plan approval for a 2,272 square foot HOA clubhouse, 8,421 square foot pool with a 9,437 sq ft deck as well as a 11,246 sq ft tot-lot area, on a 1.98-acre site known as Lot A1.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the terminus of Eaglehead Drive and Lake Linganore Blvd, north of Oakdale High School.

TAX MAP/PARCEL: Tax Map 79 Parcel 17

COMP. PLAN: Low Density Residential

ZONING: Planned Unit Development

PLANNING REGION: New Market

WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Oakdale Investments, LLC

OWNER: Oakdale Investments, LLC

ENGINEER: Rodgers Consulting

ARCHITECT:

ATTORNEY:

STAFF: Tolson DeSa, Zoning Administrator

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1- Linganore Town Center Clubhouse & Pool Site Plan Rendering

Exhibit 2- Linganore Town Center Clubhouse & Pool Modification Letter

STAFF REPORT

ISSUE

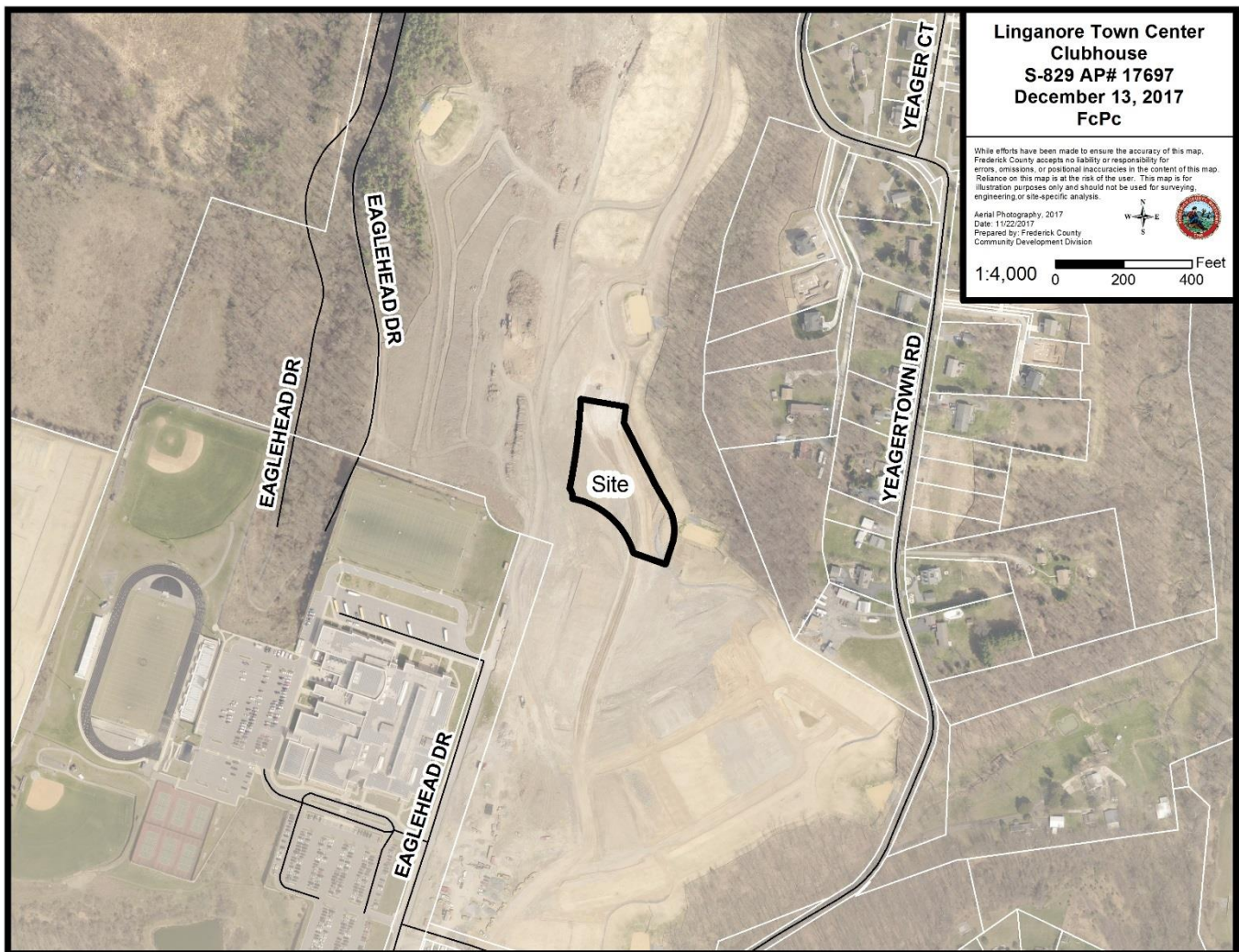
Development Request

The Applicant is requesting Preliminary/Final Site Plan approval for a 2,272 square foot HOA clubhouse, 8,421 square foot pool with a 9,437 sq ft deck as well as a 11,246 sq ft tot-lot area, on a 1.98-acre site known as Lot A1. The proposed use is being reviewed under the "Planned Unit Development" (PUD) land use heading per §1-19-10.500 Use Table in the Zoning Ordinance and is a principal permitted use in the Planned Unit Development Zoning District subject to preliminary and final site plan approval.

Modification Requests:

1. §1-19-6.400.I: The Applicant is requesting a landscape plan modification to reduce the number of street trees from 16 to 8 along Fallfish Court and Tomahawk Street, the remaining 8 trees are relocated throughout the Town Center in accordance with the previously approved street tree modification.
2. §1-19-6.500.G: The Applicant is requesting a lighting pole height modification to allow a minimum pole height of 14' and a maximum pole height of 25' and to allow light spillage along high traffic and high pedestrian areas.
3. §1-19-6.220.A3: The Applicant is requesting a parking space modification letter to permit 70 of the 117 required on-lot spaces to be located off-lot within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private street parallel spaces.

Graphic #1 Aerial



Linganore Town Center Clubhouse and Pool Combined Preliminary/Final Site Plan

December 13, 2017

BACKGROUND

Development History

The subject property is zoned Planned Unit Development (PUD). The PUD zoning was applied to the majority of the site (all except what is currently proposed as the northern land bay) in 1968 and has maintained that zoning. The area that is referred to as the northern land bay in the current application received the current PUD zoning in 2013 (Ordinance #13-14-642).

A revised Phase II Plan for the entire Linganore PUD, including the Town Center, was submitted in 2003, and conditionally approved by the Planning Commission on January 14, 2004 with outstanding issues (MPDU, FRO, Transportation, Water/Sewer) to be discussed in a series of subsequent workshops. Eventual Phase II approval for Lake Linganore was granted on November 5, 2007 (at that time, a Phase II PUD Plan was a 'concept' plan, and PUD Phase III referred to a Preliminary Subdivision Plan or Site Development Plan). The 2007 Phase II PUD Plan included a range of 1,200—2,000 dwelling units for the Town Center.

In 2013, as part of the PUD Phase I rezoning approval for lands within the Linganore Community Growth Area a Development Rights and Responsibilities Agreement (DRRA) and Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) were approved for the entire Linganore PUD, including the Town Center. The 2013 DRRA and LOU include infrastructure improvements—roads, water/sewer—required for development of all remaining villages within Linganore, including the Town Center.

On January 14, 2015, the Frederick County Planning Commission approved a Combined Preliminary/Site Development Plan for one commercial lot, 1 lot for a community center/pool, and 1,240 residential units, comprised of 136 single family detached, 576 townhouses, 322 multifamily apartments, 96 multifamily condos, and 110 2-over-2 condos on a 240.8-acre site.

On May 10, 2017, the Frederick County Planning Commission approved a revision to the previously approved 1/14/15 Combined Preliminary/Site Development Plan to replace the 110 2-over-2 condo units with 55 townhouse units, and modify the previously approved road section of Eaglehead Drive as well as the light pole height along Eaglehead Drive and Linganore Boulevard. All other aspects of the previously approved Combined Preliminary/Site Development Plan including the location and size of the proposed Clubhouse and Pool remain unchanged.

In accordance with the most recently approved Letter of Understanding (LOU) the APFO approval is valid until July 11, 2038. Therefore, the previously approved Preliminary Plan is valid until January 14, 2020 and the previously approved overall Site Development Plan is valid until January 14, 2018.

Existing Site Characteristics

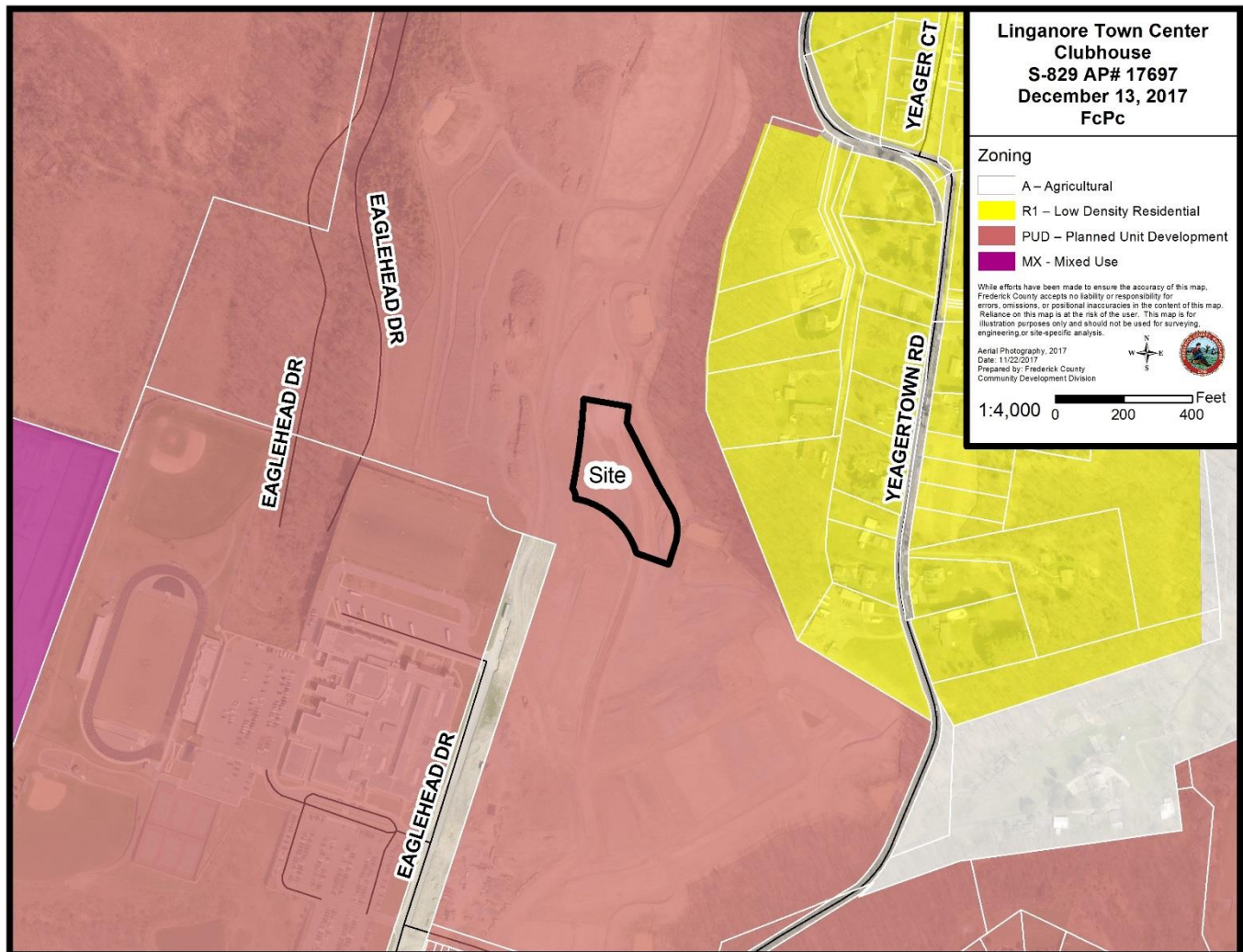
The site is vacant with forested lands, steep slopes, the former alignment of Eaglehead Drive, and a tributary creek to Lake Linganore. See Graphic #1.

The site borders the proposed Oakdale Village project (to the west) which is zoned Mixed Use (MX), as well as the existing R-1 district on both sides of Yeagertown Road to the east. See Graphic #2. The property to the north of the site is a vacant and undeveloped tract within the Lake Linganore PUD. The property to the south is the site of Oakdale High School.

The northern portion of the site contains a second order tributary of Lake Linganore. There are three fingers of NRCS Flooding Soils that run south from this tributary. Two of the fingers are Greenville loam 2 to 5 percent slopes (GvB), with the third as Roche loam 3 to 8 percent slopes (RoB).

The three fingers of flooding soils are located in the lowest areas of the site. This creates two principal areas of developable land which comprises slight to moderate slopes, with some areas of steep slopes in excess of 25%. The two areas of developable land have a topographic elevation range of 430 feet at the far eastern side, to 520 feet as the land continues west, with the former Eaglehead Drive at 400 feet elevation. The topography of the second developable area continues to rise out of the former road bed to the west to a elevation height of 500 feet, then back down to 380 at the western property boundary.

Graphic #2 Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issue associated with this project was the overall design of the parking area and the introduction of a “drop-off” area and additional parking along Tomahawk Street. The Applicant worked with Staff to develop a landscape plan that provided visual interest to the site as well as a landscape buffer between the proposed tot lot and Lot 179.

Detailed Analysis of Findings and Conclusions

COMBINED ANALYSIS OF SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW

Preliminary Subdivision Plan approval is granted based upon the requirements found in Chapter 1-16 of the Frederick County Code. Site Development Plan approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria as well as the PUD review criteria listed in §1-19-10.500 of the Frederick County Zoning Ordinance. In accordance with DRRA Section 2.3(E), the Applicant has provided a summary of the Linganore Town Center Community Design Guidelines based on the applicable Frederick County Community Design Guidelines and Development Principles.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

SITE DEVELOPMENT

□ Land Requirements §1-16-217(A) & (B)

The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The designated land use in the County Comprehensive Plan for the site is Low Density Residential, which is designed to accommodate a mixture of low to medium intensity residential, commercial, or civic uses within Community Growth Areas. The Project is designed with efficient transportation, access, connectivity, and internal circulation within an area indicated for growth and development on the Comprehensive Plan.

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The Project respects its orientation around the stream and its large floodplain area (including flooding soils and wetlands) and enhances these natural systems through Forest Resource Ordinance (FRO) mitigation plantings. The proposed development will be well integrated with surrounding land uses and future adjacent uses through complimentary vehicular and pedestrian connectivity. The Project adheres to the Linganore Watershed Protection Area water body buffer requirements as outlined in the DRRA. Although the Linganore Watershed Protection Area specific provisions, as adopted in ordinance 7-24-464 and expanded in ordinance 8-21-497 were subsequently deleted from the zoning ordinance, the DRRA subjects the Linganore PUD (including the Town Center) to these regulations.

□ Block Shape §1-16-218

The maximum block dimension shall be 1,800 feet.

No block dimension is greater than 1,800 feet.

□ **Lot Size and Shape §1-16-219**

The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.

The Applicant is not requesting any changes to the previously approved development standards for residential lot area, lot width, front, side, and rear yard setbacks, which were approved consistent with the PUD district per section 1-19-10.500.9 as well as 1-19-10.500.6 (H) 2. The final height and size of all structures shall be determined by the Planning Commission at the time of Preliminary Plan or Site Plan Review process. The Applicant is proposing a 1.98 acre corner lot, located at the corner of Fallfish Court and Tomahawk Street. The proposed lot will have a 20' wide front yard, and a 8' wide side yard, with a maximum building height of 30'.

□ **Street, Common Driveway and Sidewalk Construction §1-16-109**

The project shall provide for the complete construction of street improvements, including drainage facilities as provided in §1-16-234 through §1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.

The Plan proposes sidewalks 8-ft and 5-ft in width with well-placed and marked street crossings. The sidewalk network provides safe and efficient internal pedestrian mobility as well as facilitates movement to and from adjacent land uses. Sidewalks are provided to link the Project to Oakdale High School, as well as pedestrian connections from the Project site into the proposed Oakdale Village site, which leads to the middle and elementary schools, via an existing sidewalk on the west side of the school access road that accesses Old National Pike.

□ **Right of Way and Paved Surface Widths §1-16-235**

Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads.

The Comprehensive Plan depicts a general alignment of the TCC through the Town Center on the north side of Oakdale High School. This planned future minor-arterial roadway includes a 100-ft. right-of-way on which a divided road section will be built and a 100-ft. right-of-way, north of Phase 1.2, as shown on the proposed Plan. The 100-ft. right-of-way shall be labeled as "Reservation for future 100-ft Town Center Connector Right-of-Way, to be conveyed at no cost to those who construct it" on the final approved Combined Preliminary Plan/Site Development Plan and on final plats to be recorded. Future, detailed alignment studies for the Town Center Connector will determine the extent of this roadway's location on the Project site, which would be dedicated instead of reserved if those studies would be completed prior to final plat recordation.

The Project proposes both public roads and private streets and alleys. Right-of-way widths for all public roads are the standard for local roadways as indicated on the Comprehensive Plan. Public and private roads include pavement widths of 20ft., 21ft., 22 ft., and 28 ft. On-street, parallel parking dimensions measure 8 ft. by 22 ft. Private alleys are shown with 16 feet of paved travel surface.

□ **Other Street Requirements. Development on Dead End Streets §1-16-236 (K):**

(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth below in § 1-16-236(K)(1)(c).

§ 1-16-236(K)(1)(c). the length of cul-de-sac or dead end street(s) may vary based on the density in the development section or land bay, property shape and size, topography, environmental constraints, lot size, unit types, and proposed land use. The density and length of cul-de-sac or dead end street(s) shall be reviewed by the Planning Commission and approved on a case by case basis.

There are no changes to the previously approved Phasing Plan proposed as part of this plan.

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-10.500.6(H).2:** The proposed setbacks (as detailed on sheet 1 of 10) include the following; 20-foot front yard, 8-foot side yard, with a maximum height of 30 feet. The proposed setbacks are developed in accordance with the standards listed in Zoning Ordinance Section 1-19-10.500.6 (H) 2.
2. **Signage §1-19-6.300:** The Applicant is not proposing any additional signage.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan in accordance with Zoning Ordinance Section 1-19-6.400. The plan proposes a mix of evergreens and deciduous trees and shrubs.

Previously Approved Landscape Modifications: During the original January 14, 2015 approval and May 10, 2017 revision approval the application received a modification to the landscape standards in order to reduce the planting panel width between the curb and sidewalk from the required 7 feet to 5 feet, and to permit the plantings of street trees in alternate locations in order to meet the required planting of 1 tree for every 35 feet of roadway frontage.

Based on 31,625 +/- feet of public private roadway and the PUD street tree planting policy of 1 tree per 35 feet of road, the **total number of trees required is 31,625/35=904 trees**. The plan proposes 525 trees along public/private roads and parking areas, 216 trees within the HOA open space parcels, and 555 trees on-lot for a **total provided of 1,295 trees**.

The proposed 5 foot minimum landscaping panel provides an adequate area to promote the growth and maintenance of the street tree species specified on sheet 7 of 10. The previously approved alternate planting design (which wherever not in conflict with utilities (water/sewer/storm drain), streetlights or vehicle site distance).

Current Landscape Plan Modifications: The Applicant is required to provide 20% canopy cover over the parking area; the Applicant has proposed 24.9% canopy coverage over the parking area.

The Applicant is required to provide 16 street trees, and has proposed 8 trees along the east side of Fallfish Court and Tomahawk Street. Due to sewer easements running along the Fallfish Court and Tomahawk Street frontages, the Applicant is not permitted to add street trees within the easement area. Therefore the Applicant is seeking a modification to the street tree requirement for the lot frontage. The remaining 8 street trees are being relocated throughout the Town Center in accordance with the previously approved street tree modification.

4. **Lighting §1-19-6.500:** The Applicant has provided a Lighting Plan on Sheet 9 of 10. The Applicant is proposing 9, 14-foot tall poles around the periphery of the proposed parking area and 2, 25' tall poles in the center of the parking area. The lighting plan adheres to the requirements of §1-19-6.500.

The Applicant is requesting a lighting pole height modification to allow a minimum pole height of 14' and a maximum pole height of 25' and to allow light spillage along high traffic and high pedestrian areas.

There is light spillage along Fallfish Court and Tomahawk Street. In accordance with §1-19-6.500.G, the Applicant is seeking a lighting plan modification to permit light spillage across the proposed property lines for Parcel A1. Staff has no objection to granting the requested light spillage modification along areas of common access points and pedestrian travel ways.

Conditions:

1. §1-19-6.400.I: The Applicant is requesting a landscape plan modification to reduce the number of street trees from 16 to 8 along Fallfish Court and Tomahawk Street, the remaining 8 trees are relocated throughout the Town Center in accordance with the previously approved street tree modification.
2. §1-19-6.500.G: The Applicant is requesting a lighting pole height modification to allow a minimum pole height of 14' and a maximum pole height of 25' and to allow light spillage along high traffic and high pedestrian areas.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

The site has access to the arterial road system with future, external connections to the Town Center Connector (TCC), Oakdale Village and Yeagertown Road via the proposed Hopewell Street as shown on the Plan. As proposed, the roadway connections to adjacent properties will be addressed as the Project moves forward to completion. The proposed road network within Linganore Town Center promotes interconnectedness, will link existing and planned road networks, promote safe and efficient circulation, will allow shared access and circulation between properties and implement the network as provided in the Comprehensive Plan.

1. **Access/Circulation:** The site is located at the corner of Fallfish Court and Tomahawk Street. The plan proposes a full movement 24' wide entrance off of Fallfish Court. There is also a 68' wide "drop-off zone" parallel to Tomahawk Street.
2. **Connectivity §1-19-6.220 (F):** The proposal is connected to the approved pedestrian sidewalk network throughout the Town Center as well as the natural surface trail network. This plan also proposes pedestrian crosswalks across Fallfish Court and Tomahawk Street.
3. **Public Transit:** There is no public transit serving this site.
4. **Vehicle Parking §1-19-6.220:** The Applicant is required to provide 117 on lot parking spaces; the Applicant is proposing 47 parking spaces on Lot A1, including 2 ADA accessible spaces. The Applicant has submitted a parking space modification letter to permit 70 of the 117 required on-lot spaces to be located off-lot within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private street parallel spaces. The Applicant has submitted a justification statement in accordance with Section 1-19-6.220.A.3, which is attached to this staff report as Exhibit 2.

The Applicant notes in the justification statement that 12 additional parallel parking spaces have been added along Tomahawk Street. There are 125 parallel parking spaces on private streets and 35 on public streets which are located within ¼ mile of the proposed Clubhouse and Pool. 44 new parking spaces within a ¼ mile are being constructed at Oakdale High School in conjunction with the Linganore Town Center construction. The Applicant worked with Staff to introduce 9 additional bike racks for a total of 18 racks on Lot A1 as well as a "drop-off" area along Tomahawk Street.

Sheet 10 of 10, is a ¼ mile parking distribution exhibit, which shows that there are 205 off lot residential parking spaces located within a ¼ mile walk to the clubhouse and pool. Sheet 10 of 10 also indicates that there are a total of 564 parking spaces on the Oakdale High School property within a ¼ mile walk of the clubhouse and pool. The overall parking count for the entire Town Center including the clubhouse and pool is 2,816, the Applicant has provided 3,834 parking spaces throughout the entire Town Center which is a surplus of 1,018 parking spaces.

The parking strategy proposed by the application is consistent with similar communities being marketed and constructed currently in the region. The requested modifications will allow the Applicant to meet the above goals while still providing sufficient overall parking for the Project.

A modification from the required number of on-lot parking spaces per §1-19-6.220 of the Zoning Ordinance was granted by the Planning Commission during the previous approval on January 14, 2015. Based on the proposed street network, diversity in unit type and density. Staff has no objection to the modification request.

5. **Bicycle Parking §1-19-6.220 (H):** In accordance with the Zoning Ordinance, the Applicant is required to provide 9 bicycle racks, the Applicant is proposing 18 bicycle racks.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The proposal is connected to the approved pedestrian sidewalk network throughout the Town Center as well as the natural surface trail network. This plan also proposes pedestrian crosswalks across Fallfish Court and Tomahawk Street.

Conditions:

1. Approval of a parking space modification letter to permit 70 of the 117 required on-lot spaces to be located off-lot within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private street parallel spaces.

Linganore Town Center Clubhouse and Pool Combined Preliminary/Final Site Plan

December 13, 2017

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-3, S-3. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The site has been recently mass graded. The property slopes down from west to east. The design of the clubhouse, pool and amenities has taken advantage of the slope to provide a flat usable area.
2. **Vegetation:** The entire site contains a dense stand of middle aged evergreen trees.
3. **Sensitive Resources:** There are no sensitive resources located on site that are affected by the development proposal.
4. **Natural Hazards:** There are no natural hazards located on site that are affected by the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** Per the PUD regulations, the overall TC Project is required to provide a total of 72 acres of open space/green area. Per the subdivision regulations, the Project is required to provide 20.67 acres of parkland. As detailed in the Open/Green Space & Recreation Area Exhibit, the Applicant is meeting this requirement by providing 103.6 acres of open space and 41.2 acres of recreation area. The subdivision regulations require that one half of the parkland recreation area requirement "shall be suitable for dry ground recreational use." The Applicant is providing 108.8 acres of open space, plus over 11 acres of flat, dry ground in open space throughout the proposed development.
2. **Ownership:** Open space parcels shall be owned and maintained by the Homeowners Association.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: The Applicant is not proposing to build any MPDUs as part of this development proposal.

Stormwater Management – Chapter 1-15.2: All stormwater management (SWM) is in compliance with the 2010 Maryland SWM Design Guidelines.

Subdivision Regulations – Chapter 1-16: This application meets the requirements of the subdivision regulations in Chapter 1-16.

1. Article I: In General - § 1-16-12 *Public Facilities*

- The subdivision has direct access to Old National Pike, an existing minor arterial on the County Comprehensive Plan with a paved surface width in excess of 20'. The subdivision will access Old National Pike via the existing Eaglehead Drive which is designated collector on the County Comprehensive Plan and constructed as a 2 lane divided roadway. The proposed subdivision is within the New Market Volunteer Fire/Rescue Company service area. Emergency services would access the subdivision via the existing Old National Pike.

2. Article IV: Required Improvements - §1-16-109 *Street, Common Driveway, and Sidewalk Construction:*

- The Plan proposes sidewalks 8-ft and 5-ft in width with well-placed and marked street crossings. The sidewalk network provides safe and efficient internal pedestrian mobility as well as facilitates movement to and from adjacent land uses. Sidewalks are provided to link the Project to Oakdale High School, as well as pedestrian connections from the Project site into the proposed Oakdale Village site, which leads to the middle and elementary schools, via an existing sidewalk on the west side of the school access road that accesses Old National Pike.

3. Article VI: Design Standards and Requirements

§ 1-16-217. *Land Requirements:*

- The designated land use in the Comprehensive Plan for the site of the PUD is Low Density Residential. This designation is intended to be applied only within Community Growth Areas and indicates a residential density range of 3 to 6 dwellings per acre on public water and sewer. The proposed subdivision is within a Community Growth Area and is for a residential development on public water and sewer with a gross density range of approximately 3 dwelling units per acre.
- The existing topography is the basis for the overall community layout, with the higher elevations delineated as areas of development, and the lower elevation areas delineated as undeveloped areas to be maintained in a more natural state.

§ 1-16-218. *Block Shape:*

- No block dimension is greater than 1800 feet. Pedestrian walkways provided.

§ 1-16-219. *Lot Size and Shape:*

- Lot dimensions for PUD zoning were prescribed in the previous version of the ordinance, with no minimum lot size, required 20' front yard, 8' side yard, and 10' rear yard. Setbacks and height limitations for structures over 3 stories or 30' were to be determined by the Planning Commission at site plan review.

§ 1-16-235. *Right-Of-Way and Paved Surface Widths:*

- 46' right-of-way provided for local streets.

In accordance with 1-16-235.D.3 *Where topographic, transitional (from one property to another) or ownership problems are anticipated to occur, it may not be desirable or possible to meet all the improvement standards of the Design Manual. The Division may approve modifications to the requirements of the Design Manual in order to accomplish the intent and purpose of these regulations, with the exception of modifications to the separation requirements which shall be granted only by the Planning Commission;*

Proposed paved surface width is adequate.

4. **Driveway Entrance Spacing Policy**
Adopted by the FCPC in 2002 (amended 2004), this policy provides a system of evaluating driveway locations for public safety, to preserve rural character of roads located in rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development.
Proposed driveways are all located on local residential streets, which have no spacing restrictions.

APFO – Chapter 1-20:

1. **Schools.** Schools are exempt due to the non-residential use proposed.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** The project is exempt from APFO Roads. Trips generated by this community amenity are assumed to be internal to the larger Lake Linganore Town Center site and would not impact external roads during the am and pm peak hours of the adjacent streets.

Period of Validity: Per the most recently approved Letter of Understanding (LOU) the APFO approval is valid until July 11, 2038.

Forest Resource – Chapter 1-21: The clubhouse, which is within Phase I of the Town Center project, was included in the approved Final FRO plan for the development (AP 16602). FRO easements for Phase I of the Town Center have been recorded (L.11489 F.378). No further review of FRO is required for the clubhouse.

Historic Preservation – Chapter 1-23: There are no historic resources located on this site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Conditional Approval
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of a 2,272 square foot HOA clubhouse, 8,421 square foot pool with a 9,437 sq ft deck as well as an 11,246 sq ft tot-lot area, on a 1.98-acre site known as A1.

If the Planning Commission conditionally approves the Combined Preliminary Subdivision/Site Development Plan, the Preliminary Plan is valid for the lesser of five (5) years from the date of Planning Commission approval or the period of APFO approval, and the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval. Therefore, the Preliminary Plan is valid until December 13, 2022 and the Site Development Plan is valid until December 13, 2020.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds to completion.
2. Planning Commission approval of the requested modifications:
 - a. §1-19-6.400.I: Approval of a landscape plan modification to reduce the number of street trees from 16 to 8 along Fallfish Court and Tomahawk Street.
 - b. §1-19-6.500.G: Approval of a lighting pole height modification to allow a minimum pole height of 14' and a maximum pole height of 25' and to allow light spillage along high traffic and high pedestrian areas.
 - c. §1-19-6.220.A.3: Approval of a parking space modification letter to permit 70 of the 117 required on-lot spaces to be located off-lot within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private street parallel spaces.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Combined Preliminary/Final Site Plan **AP 17697 S-829T with conditions, and modifications** as listed in the staff report for the 2,272 square foot HOA clubhouse, 8,421 square foot pool with a 9,437 sq ft deck as well as an 11,246 sq ft tot-lot area, on a 1.98-acre site known as A1. Preliminary/Final Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



October 5, 2017

Mr. Tolson Desa
Frederick County Department of Planning & Permitting
30 N Market Street
Frederick, MD 21701

Re: Linganore Town Center – S-829, A/P 17697
Parcel A1, Clubhouse and Pool
Combined Preliminary & Site Plan Application
Parking Modification

Dear Tolson,

On behalf of Oakdale Investments LLC, please accept this document as a formal request of the Planning Commission to approve modifications to Standard PUD Development Policy regarding the amount of parking spaces and distribution, lot dimensional standards, parking lot dimensional standards, landscape standards and lighting standards. We submit this modification request pursuant to Section 1-19-10.500.9(D) of the Zoning Ordinance, which grants the Planning Commission the authority to grant modifications as part of its approval of a Planned Unit Development Phase II plan, and in full conformance with the applicable provisions of Article VI of the Zoning Ordinance.

The parking modification request is based on the provisions of Section 1-19-6.220 (A) (1) of the County Zoning Ordinance, which states that the Planning Commission may approve modifications to the parking requirements if the applicant can demonstrate an acceptable alternative based on the characteristics of the proposed use and to allow for the creation and implementation of community specific design and development standards.

The request to modify parking lot dimensional standards, is based on the provisions of Section 1-19-10.500.9(D) of the County Zoning Ordinance, which states that as part of the Planned Development Phase II approval the Planning Commission may approve modifications to parking, loading, street design, landscaping, screening, buffering requirements, and general development standards as provided in 1-19-10.500.9(A).

We respectfully request the following modifications:

1. Parking Space Number & Distribution:

Modification to allow 70 of 117 required "on-lot" parking spaces of the Clubhouse & Pool, Parcel A1 to be located "off-lot" within the adjacent parcel and overall land bay area in the form of private parking bays and both public and private streets fronting.

Justification:



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- The property is currently zoned PUD.
- The parking modification is necessary to allow the applicant and county to satisfy elements of the PUD Zone planning goals by meeting the community parking requirements through the implementation of sharing off-lot/on-street parking resources.
- 12 additional parallel parking spaces have been added adjacent to Parcel A1 on Tomahawk Street.
- 125 parallel parking spaces on private streets are located within 1/4 of a mile from the Clubhouse & Pool.
- 35 parallel parking spaces on public streets are located within a 1/4 of a mile from the Clubhouse & Pool.
- 44 new perpendicular spaces are provided at Oakdale High School by Linganore Town Center are located withing a 1/4 mile from the Clubhouse & Pool.
- 9 additional bike racks (18 bike spaces) are being provided for a total of 15 bike racks (30 bike spaces) overall on Parcel A1.
- The parking modification will allow the applicant to achieve their planning goals by creating a desirable community consistent with the goals of the PUD Zone while providing alternative products that will respond to current market conditions.
- The parking strategy proposed by this application is consistent with similar communities being marketed and constructed in the region today.
- The requested modification will allow the applicant to meet the above goals while still providing sufficient overall parking for the project.
- The Planning Commission may modify the parking requirements to permit the provision of a reduction in parking spaces when an Applicant demonstrates that the parking needed for the proposed use and tenant requirements are met.

2. Lot Dimensional Standards:

Setbacks: Modification of the standard 25' front, 8' side and 25' rear to the following:

- 20' Front (This is a corner lot and 8' sides and no rear yards remain the same)

Justification:

- The property is currently zoned PUD.
- The modification request is consistent with the provisions identified in the MPUD Zone; Section 1-19-10.500.9 (D) As part of the Planned Development Phase II approval, the Planning Commission may approve modifications to parking, loading, street design, landscaping, screening, buffering requirements, and general development standards as provided in 1-19-10.500.9(A).
- The setback modification will allow the applicant to achieve their planning goals by creating a desirable community consistent with the goals of the PUD Zone while providing alternative products that will respond to current market conditions.
- The modifications requested allow for a superior layout of lots and open spaces, providing a more compact neighborhood which will have a strong pedestrian orientation given that all of the proposed homes will be within easy walking distance of all three public schools serving the neighborhood.
- To allow for a maximized pool area for the community.

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- The modifications requested are consistent with the communities and residential architecture being developed and constructed in the region today and will allow the applicant and county to achieve their planning goals by creating a desirable community consistent with the goals of the PUD Zone while providing alternative products that will respond to current market conditions.
- The modification provides for an improved design and furthers the above goals, which would not otherwise be possible without the modification.

3. Light pole height modification and light spillage modification

Request a modification to Section 1-19-10.500.9(D), PUD lighting height to allow a minimum 14' and a maximum 25' pole and to allow light spillage along high traffic and high pedestrian areas.

Justification:

- The property is currently zoned PUD.
- The pole heights are consistent of what was approved for Eaglehead Drive and Lake Langanore Blvd. for A/P 17198 and will allow a cohesive appearance from these roads into the community center parking lot.
- A taller mounting height may eliminate light poles adjacent to Lot 220.
- Where light spillage occurs creates a safer environment for pedestrians. The light spillage only occurs along the lot frontage of Fallfish Court, the traffic circle and down the stairs at the rear of the property leading to the natural surface trail.

Based on the justification provided and that the modifications requested are consistent with the rules and regulations provided in the Frederick County Zoning Ordinance, we look forward to your review and approval.

Please do not hesitate to contact me should you have any questions or require additional information. I may be reached by telephone at 301.948.4700 or by email at mpeterson@rodgers.com.

Sincerely,
Rodgers Consulting, Inc.



Mike Peterson, PLA

Cc: Jason Wiley, Oakdale Investments
Noel Manalo, Miles & Stockbridge
Randall Frey, RCI

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